

Docket No.: 31894-202097
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Zemel et al.

Art Unit: 1616

Application No: 10/827,307

Examiner: E. J. Webman

Confirmation No: 2558

Filed: April 20, 2004

Atty. Docket No: 31894-202097

For: MATERIALS AND METHODS OF
REGULATING BODY WEIGHT

Customer No:



26694

PATENT TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT (IDS)

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue there from.

This Information Disclosure Statement is filed after the mailing date of a Final Office Action or Notice of Allowance, whichever occurred first, but on or before payment of the Issue Fee

(37 CFR 1.97(d)). Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Application No.: 10/827,307

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While it is believed that no fees are required with the submission of this IDS because the required fee of \$180 was previously paid on October 18, 2006, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 31894-202097.

Dated: November 14, 2006

Respectfully submitted,

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| Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | Complete if Known | | |
| | | | Application Number | 10/827,307-Conf. #2558 | |
| | | | Filing Date | April 20, 2004 | |
| | | | First Named Inventor | Michael B. Zemel | |
| | | | Art Unit | 1616 | |
| | | | Examiner Name | E. J. Webman | |
| Sheet | 1 | of | 1 | Attorney Docket Number | 31894-202097 |

| U.S. PATENT DOCUMENTS | | | | | |
|--------------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials ^a | Cite No. ¹ | Document Number Number/Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | US 6716810 | 04/2006 | Brennan et al. | |
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| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------------|-----------------------|---|--------------------------------|--|---|----------------|
| Examiner Initials ^a | Cite No. ¹ | Foreign Patent Document Country Code ³ Number/Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁴ |
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| NON PATENT LITERATURE DOCUMENTS | | | |
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| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published. | T ² |
| | | Laine Tabbita, "The Milk Mustache Campaign (agcommcase.ifas.ufl.edu/mustache.html) Report to Congress on the National Dairy Promotion and Research Program and the National Fluid Milk Processor Promotion Program," July 1, 1998 | |
| | | Jones Sports Mustache for Milk, Las Vegas Review Journal 1999 (Dialog: File 397:00150522) | |
| | | U.S. Government questions effectiveness of Milk advertising, Dairy Farmer, 1999 (Dialog file 112:01171968) | |
| | | Jenny Hope, Crash Diets do work single food regimes knock off the pounds faster than conventional calorie cutting, Daily Mail, 1998 Dialog file 781:04337869 | |
| | | Eisenstein et al, Obesity and Long-Term Clinical and Economic Outcomes in Coronary Artery Disease Patients, Obesity Research 10:82-91 (2002), from http://www.obesityresearch.org/cgi/content/abstract/10/2/82 | |

^aEXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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| Examiner Signature | | Date Considered | |
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